

REMARKS

Applicants' representatives thank Examiner Sarada Prasad, Supervisory Examiner Yvonne Eyler and Practice Specialist Paula Hutzell for the interview of November 21, 2001. The amendments and remarks herein are made in accordance with our conversations.

Status of the claims

Claims 26-112, and 115-227, and 230-319 are currently pending. Applicants have cancelled claims 1 and 17 drawn to non-elected inventions without prejudice or disclaimer. Applicants reserve the right to file one or more divisional applications directed to inventions not elected in the instant application.

For the Examiner's convenience, a Clean Version of the Entire Set of Pending Claims (including amendments made herein) as allowed for under 37 C.F.R. §1.121(c)(3) is enclosed.

Amendments to the claims

Claims 113 and 228 have been amended as agreed upon in the interview of November 27, 2001; and claims 114 and 229 have been cancelled as they would be duplicative to amended claims 113 and 228.

The dependency of claim 91 has been corrected.

Claims 31, 32, 52, 53, 76, 77, 97, 98, 120, 121, 146, 147, 167, 168, 188, 189, 211, 212, 235 and 236 have been amended to add the omitted word "of." The lettering of the last subpart of claim 32 has also been amended.

Claims 83, 104, 127, 153, 174, 195, 219, and 242 have been amended in order to provide the language in subpart (a) of each of these claims proper antecedent basis and to eliminate redundancy with claims 84, 105, 128, 154, 175, 196, 220, and 243.

New claims 251 to 319 have been added directed to antibodies that specifically bind a Neutrokin-alpha multimer, antibodies that specifically bind a recombinant Neutrokin-alpha protein, and antibodies obtained from an animal that has been immunized with a recombinant Neutrokin-alpha protein. Support for new claims 251-319 may be found, for example, on page 2, lines 19 to 27 and pages 99 to 104 (Neutrokin-alpha multimers); pages 85-99 and Examples 1 to 3 (recombinant Neutrokin-alpha), and at pages 228-288 (antibodies). No new matter has been

added by way of amendment. Applicants respectfully request that these amendments be entered.

Substitute Specification

In accordance with the Examiner's Request that Applicants check the specification for minor errors, Applicants provide herewith a substitute specification as well as a Version of the Substitute Specification with Markings to Show Changes Made.

The undersigned attorney of record hereby states under 37 C.F.R. §1.125(b)(1) that the substitute specification filed herewith contains no new matter. Each of the amendments to the specification are shown in boldfaced text in the Version of the Specification With Markings to Show Changes Made submitted herewith in which insertions are indicated by underlining and deletions are indicated by strikeout. The amendments either (1) correct grammatical and/or clerical errors (2) amend the specification to add SEQ ID NOS for sequences disclosed in the specification as filed, or (3) were made and entered previously (i.e., the amendments proposed in the Preliminary Amendment of filed July 28, 2000 have been entered into the Substitute Specification).

Title

The Examiner objected to the title of the application because it was not descriptive of the claimed invention. In accordance with the Examiner's suggestion, Applicants have amended the title to "Antibodies to Neutrokin- α ." This amendment has also been incorporated into the Substitute Specification submitted herewith.

Replacement Sequence Listing

The Substitute Sequence Listing submitted herewith has been amended to bring the Sequence Listing into compliance with the 37 C.F.R. §1.821- §1.825. Briefly the amendments to the Sequence Listing include: (a) amendment of the header information to correctly identify the present application and the applications to which it claims priority; (b) amendment of the header information preceding primer sequences (SEQ ID NOS: 10-17, 24-26, 31-36 and 39-42) to bring them into the appropriate format; (c) amendments to SEQ ID NO:38 to make the Sequence Listing correctly reflect SEQ ID NO:38 as defined in the specification, for example at pages 129-130; and (d) to add SEQ ID NOS:39-42 which correspond to sequences disclosed

in the specification at page 420, lines 2-3 and page 421, lines 15-16). Each of the amendments is supported by the specification as originally filed and no new matter has been introduced.

Claim rejections under 35 U.S.C. §112, first paragraph

Claims 26-250 are rejected under 35 U.S.C. §112, first paragraph, for alleged lack of enablement. More particularly, the Examiner states that:

[T]he specification while being enabling for an isolated antibody that binds to full length amino acid sequence of SEQ ID NO:2, does not reasonably provide enablement for an isolated antibody that specifically binds to fragments, derivatives, fusion peptides, variants, or C-terminal or N-terminal deletion mutants of SEQ ID NO:2. (Paper No. 7, page 3, last full paragraph.)

Preliminarily, Applicants point out that claims 113 and 228 have been amended to recite “at least 30 contiguous amino acid of SEQ ID NO:2” rather than “at least 9 contiguous amino acids of SEQ ID NO:2.” Applicants believe in light of the agreement reached during the interview of November 27, 2001 and the amendments to claims 113 and 228, that this rejection under 35 U.S.C. §112, first paragraph has been overcome or obviated. Applicants respectfully request that this rejection be reconsidered and withdrawn.

Availability of Deposited Plasmids

The Examiner has indicated concern over the availability of the deposited biological material. In order to allay these concerns, Applicants’ representative makes the following statement for the record.

The undersigned attorney of record in the instant application hereby states that, except for the limitations allowed by 37 C.F.R. § 1.808(b), the deposited plasmid HNEDU15, accorded ATCC Deposit Number 97768, will be irrevocably and without restriction released to the public upon the issuance of a patent containing claims reciting said plasmid for the instant application.

Applicants believe that all the requirements of 37 C.F.R. §§ 1.801-809 have been met with respect to the deposited plasmid recited in the claims.

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CONCLUSION

Applicants respectfully request that the amendments and remarks of the present Amendment be entered and made of record in the present application.

In view of the foregoing remarks, applicants believe that this application is now in condition for allowance. An early Notice of Allowance is earnestly solicited. If in the opinion of the Examiner, a telephone conference would expedite prosecution, the undersigned can be reached at the telephone number indicated below.

Finally, if there are any fees due in connection with the filing of this paper, please charge the fees to Deposit Account No. 08-3425.

Respectfully submitted,

Date: December 14, 2001



Kenley K. Hoover
Attorney for Applicants

(Reg. No. 40,302)

Human Genome Sciences, Inc.
9410 Key West Avenue
Rockville, MD 20850
Telephone: (301) 610-5771

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